IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

Bail Appl..No. 7671 of 2006()

AGAINST THE ORDER IN BA.6681/2006 Dated 01/12/2006
Crime no.450/06 of Neyyattinkara Police Station

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: PETITIONER/ACCUSED:

S.SHYJU @ CHUZHALI, AGED 30 YEARS,
S/O.SEKHARA PANICKER, CHOOZHAL CHANKURUTTI
OTTACHAMURI PUTHENVEEDU, CHOOZHAL DESOM,
KOLLANKODE VILLAGE.

BY ADV. SRI.C.C.THOMAS

RESPONDENT: COMPLAINANT:

STATE OF KERALA REPRESENTED BY
SUB INSPECTOR OF POLICE,
NEYYATTINKARA POLICE STATION, THIRUVANANTHAPURAM
DISTRICT, REPRESENTD BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No. 7671 of 2006

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Dated this the 8th day of January, 2007.

ORDER

Petitioner, who is the accused in Crime No.450 of 2006 of Neyyattinkara Police Station for offences punishable under Section 8 (1) and (2) of Abkari Act for allegedly having been found in possession of 1190 litres of spirit on 9.6.2006, seeks his enlargement on bail. He was arrested on 3.11.2006 and remanded to the judicial custody on 4.11.2006.

2. Even though the learned Public Prosecutor opposed the application, he fairly conceded that no final report has been submitted even after 60 days of judicial custody of the petitioner. If so, by virtue of the proviso to Section 167(2) Cr.P.C., the petitioner is entitled to be released on bail as of right.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.35,000/- (Rupees thirty five thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.- I, Neyattinkara and subject to the following conditions:-

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. Petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

4. Petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.Ramkumar,
Judge.

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